

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**NATALIE ROHDE, on behalf of
herself and all others similarly
situated,**

Plaintiffs,

v.

Case No. 8:23-cv-829-WFJ-AAS

**HKM PINELLAS LLC d/b/a
HAMBURGER MARY'S
CLEARWATER,**

Defendant.

_____ /

ORDER

Plaintiff Natalie Rohde requests entry of clerk's default against Defendant HKM Pinellas LLC d/b/a Hamburger Mary's Clearwater. (Doc. 18).

Under Federal Rule of Civil Procedure 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." The plaintiff filed her complaint against the defendant on April 17, 2023. (Doc. 1). The plaintiff's process server served a copy of the summons and complaint on an employee of the defendant's registered agent on July 21, 2023. (Doc. 15). This service is adequate under the relevant state and federal procedural rules. *See* Fed. R. Civ. P. 4(h)(1)(A), (e)(1) (stating service of process on corporations may be completed in accordance with

“state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made”); FLA. STAT. § 48.062 (permitting process on behalf of a limited liability company in Florida to be served on “any employee of the registered agent” of the limited liability). The defendant’s response to the plaintiff’s complaint was due August 11, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) (stating a defendant who does not waive timely service must serve an answer “within 21 days after being served with the summons and complaint.”).

To date, the defendant has not answered the plaintiff’s complaint and has otherwise failed to plead or defend itself in this action. Entry of clerk’s default is thus warranted. The plaintiff’s motion for clerk’s default (Doc. 18) is **GRANTED**. The Clerk is **DIRECTED** to enter default against the defendant.

ORDERED in Tampa, Florida on September 26, 2023.

A handwritten signature in black ink that reads "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge